

#116661: TWanta (Calumet Superior [4741]): RIN Replacement for RVO Compliance

The Basics

Id: **116661**
Status: **open**
Priority: **1/100**
Queue: **Remedial Actions - Logged**

Custom Fields

EPA Fuels Remedial Action Category: **Other Remedial Action (this one is necessary for those people who have questions about error reports, or retirement questions, or invalid APEX Mail Log ID: (no value))**

People

Owner: **BLarson (Larson, Ben)**
Requestors: **Sandra Dunphy**
<sandra.dunphy@weaver.com>
<tony.wanta@calumetspecialty.com>
Cc: <dong.jaimee@epa.gov>
AdminCc:

Attachments

removed.txt

- Mon Aug 31 23:27:50 2015 (305B) by Sandra Dunphy <sandra.dunphy@weaver.com>

More about the requestors

Sandra Dunphy <sandra.dunphy@weaver.com>
<tony.wanta@calumetspecialty.com> **User Summary**

Reminders

New reminder:

Subject:
Owner:
Due:

Save

Dates

Created: **Fri Jul 31 17:46:55 2015**
Starts: **Not set**
Started: **Fri Jul 31 17:50:16 2015**
Last Contact: **Fri Jul 31 17:50:16 2015**
Due: **Wed Aug 05 17:46:55 2015**
Closed: **Not set**
Updated: **Thu Sep 10 10:50:54 2015 by TRivers (Rivers, Tahani)**

Links

Depends on:
Depended on by:
Parents:
Children:
Refers to:
Referred to by:

History

Fri Jul 31 17:46:55 2015 **BLarson (Larson, Ben) - Ticket created**
Subject: TWanta@calumetspecialty.com
From: larson.ben@epa.gov

Fri Jul 31 17:46:56 2015 **The RT System itself - Outgoing email recorded**

Fri Jul 31 17:48:18 2015

BLarson (Larson, Ben) - Subject changed from 'TWanta@calumetspecialty.com' to 'TWanta (Calumet Superior [4741]): RIN Replacement for RVO Compliance'

Fri Jul 31 17:48:19 2015

BLarson (Larson, Ben) - EPA Fuels Remedial Action Category Other Remedial Action (this one is necessary for those people who have questions about error reports, or retirement questions, or invalid added

Fri Jul 31 17:49:00 2015

BLarson (Larson, Ben) - Requestor BLarson (Larson, Ben) deleted

Fri Jul 31 17:49:00 2015

BLarson (Larson, Ben) - Requestor <tony.wanta@calumetspecialty.com> added

Fri Jul 31 17:49:00 2015

BLarson (Larson, Ben) - Cc <dong.jaimie@epa.gov> added

Fri Jul 31 17:50:15 2015

BLarson (Larson, Ben) - Correspondence added

Per the notice from EPA's Office of Enforcement and Compliance Assurance (OECA) sent via email on 7/29/2015, please follow these steps to meet your requirements under 40 C.F.R. 80.1431, which requires that you remove invalid RINs from your affected annual compliance reports and resubmit corrected reports.

RIN replacement for RVO compliance purposes in 2010, 2011, or 2012:

Calumet Superior (Company ID # 4741) must take the following steps to resubmit corrected reports and, as applicable, replace invalid RINs with valid RFS2 RINs with the same D Code as the invalid RINs. If invalid RINs have been used for the 2010 compliance year, then the 2010 Annual Compliance Report will need to be resubmitted to include a 2010 deficit carry-over into 2011. Similarly, if invalid RINs have been used for the 2011 compliance year, then the 2011 Annual Compliance report will need to be resubmitted to include a 2011 deficit carry-over into 2012. If necessary, Annual Compliance reports for the subsequent year(s) will need to be resubmitted to include deficits as well. The 2012 annual compliance reports may include the retirement of valid RFS 2012 RINs (Step 2 below) in order to prevent a deficit carry-over into the 2013 compliance year. If 2012 RINs are not available, the deficit carries over into 2013 and 2013 RINs may be used.

Note: If you plan to use 2013 RINs for replacement, you must still retire the 2013 RINs within the time stated in the notice from EPA. This deadline is separate from the 2013 annual compliance deadline.

1) Prepare an Annual Compliance Report resubmission for any year where these RINs were retired in EMTS using any of the following codes:

80 – Demonstrate Annual Compliance

120 – Remedial Action – Retire for Compliance

130 – Remediation of Invalid RIN Use for Compliance

You must prepare an Annual Compliance Report resubmission by adjusting the applicable Annual Compliance Report and reducing the total amount of invalid RINs used for compliance from the appropriate field. You must make sure to specify that this is a report type (Field 2) of "R" indicating a resubmission along with the report resubmission date (Field 4). This will result in a deficit carryover, or increase an existing deficit carryover, into the subsequent compliance year.

2) RFS2 EMTS RINs Supplemental Retirement. Prepare and submit a retirement transaction, via an XML file or the EMTS web application, for RINs with the appropriate D code and an EMTS Retirement Code of 130 - Remediation of Invalid RIN Use for Compliance. Also, the retirement transaction must include "OECA NOV ID 8192" in the additional information field of the retirement transaction.

Note: The EMTS transaction(s) taken in step 2 will appear in your next quarterly EMTS Transaction Report. As with all RFS quarterly reports, the quarterly EMTS Transaction Report must be certified and submitted to EPA by the appropriate deadline. Please see 40 CFR 80.1451 for more information and the EMTS Quarterly Reports Presentation found at <http://www.epa.gov/otaq/fuels/renewablefuels/emtshtml/emtsmeetings.htm> (<http://www.epa.gov/otaq/fuels/renewablefuels/emtshtml/emtsmeetings.htm>).

3) Update the RFS0303: Annual Compliance Report based on the retirement transactions in step 2. Please update this report even if the total amount of RINs in this report is unchanged based on supplemental retirements. Please notify EPA at support@epamts-support.com if you will carry a deficit from 2013 into 2014. Pursuant to 40 C.F.R. 80.1427(b)(1)(ii) a party may not carry a deficit for two consecutive calendar years for the same RVO. As more fully set forth in the OECA email, the EPA intends to present an Administrative Settlement Agreement to you that will resolve all use and shortfall violations, but will not include additional penalties for shortfall violations.

4) Submit the completed resubmission of the Annual Compliance Report(s) via CDX/DCFuels. The quarterly EMTS Transaction Report must be certified and submitted pursuant to 40 C.F.R. 80.1451.

If you would like a list of the affected batch numbers for your company, please reply to this email and we will send the encrypted files to you in a separate email. If you have any other questions, for the fastest response time, please also reply to this email at support@epamts-support.com (<mailto:support@epamts-support.com>).

Sincerely,

-Ben Larson

US EPA | OAR | OTAQ | Fuels Compliance

Fri Jul 31 17:50:15 2015

The RT System itself - Outgoing email recorded

Fri Jul 31 17:50:16 2015

The RT System itself - Status changed from 'new' to 'open'

Mon Aug 31 23:27:49 2015

Sandra Dunphy <sandra.dunphy@weaver.com> - Ticket #117587: - Ticket created

Subject: Use of 2014 RINs

Date: Tue, 1 Sep 2015 03:27:43 +0000

To: "EMTS SUPPORT (support@epamts-support.com)" <support@epamts-support.com>

From: Sandra Dunphy <sandra.dunphy@weaver.com>

Hello EMTS,

Per Ben Larson's note of July 31, obligated parties who plan to use 2014 RINs as replacements for invalid New Energy Fuels or Chieftain RINs are to notify EMTS of this fact.

Please consider this a notification on behalf of Calumet Superior LLC (4741) that they will use 2014 RINs as replacements.

Please let me know asap if you need further information or if this will not be acceptable to EPA.

Thank you,

Sandra



[\(http://www.weaver.com/\)](http://www.weaver.com/)

Sandra Dunphy
Weaver

Director
Energy Compliance Services

D: 832.320.3218 **M:** 281.610.4750

Yahoo IM: RINderellatx

sandra.dunphy@weaver.com (<mailto:sandra.dunphy@weaver.com>)

24 Greenway Plaza, Suite 1800
Houston, TX 77046

P: 713.850.8787 **F:** 713.850.1673

View Bio and VCard (<http://weaver.com/about/people/sandra-dunphy>)

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Mon Aug 31 23:27:50 2015

The RT System itself - Ticket #117587: - Outgoing email recorded

Tue Sep 01 10:29:14 2015

JPiparia (Piparia, Jeanie) - Ticket #117587: - Subject changed from 'Use of 2014 RINs' to 'SDunphy (Calumet Superior LLC [4741]): Use of 2014 RINs'

Tue Sep 01 10:57:32 2015

JLJ (Johnson, Jennifer) - Ticket #117587: - Reference to #116661: TWanta (Calumet Superior [4741]): RIN Replacement for RVO Compliance added

Tue Sep 01 10:57:32 2015

JLJ (Johnson, Jennifer) - Reference by #116661: TWanta (Calumet Superior [4741]): RIN Replacement for RVO Compliance added

Tue Sep 01 13:46:04 2015

JWilcox (Wilcox, Jason) - Ticket #117587: - Merged into #116661: TWanta (Calumet Superior [4741]): RIN Replacement for RVO Compliance

Tue Sep 01 13:46:04 2015

JWilcox (Wilcox, Jason) - Merged into #116661: TWanta (Calumet Superior [4741]): RIN Replacement for RVO Compliance

Tue Sep 01 13:46:56 2015

JWilcox (Wilcox, Jason) - Comments added

Ben,

I merged a message from Sandra Dunphy into this ticket.

Tue Sep 01 13:46:57 2015

The RT System itself - Outgoing email about a comment recorded

Thu Sep 10 10:44:10 2015

Sandra Dunphy <sandra.dunphy@weaver.com> - Correspondence added

CC: Tahani Rivers <Rivers.Tahani@epa.gov>

Subject: FW: [EMTS Support #117587] AutoReply: Use of 2014 RINs

Date: Thu, 10 Sep 2015 14:44:05 +0000

To: "EMTS SUPPORT (support@epamts-support.com)" <support@epamts-support.com>

From: Sandra Dunphy <sandra.dunphy@weaver.com>

Hi Team,
Should I assume, since no one has gotten back to me, that EPA is ok with Calumet using 2014 RINs as replacements for the invalid RINs used for compliance?
Thanks,
Sande

- Show quoted text -

Thu Sep 10 10:44:10 2015

The RT System itself - Outgoing email recorded

Thu Sep 10 10:44:10 2015

The RT System itself - Outgoing email recorded

Thu Sep 10 10:50:53 2015

TRivers (Rivers, Tahani) - Correspondence added

CC: Ben Larson <Larson.Ben@epa.gov>

Subject: RE: [EMTS Support #117587] AutoReply: Use of 2014 RINs

Date: Thu, 10 Sep 2015 14:50:47 +0000

To: Sandra Dunphy <sandra.dunphy@weaver.com>, "support@epamts-support.com" <support@epamts-support.com>

From: Tahani Rivers <Rivers.Tahani@epa.gov>

Sandra,

Ben Larson responded to your inquiry on August 31, 2015. I inserted his response to you again below.

Regards,

Tahani

Tahani Rivers, Attorney-Advisor
U.S. Environmental Protection Agency
Mobile Source Enforcement Branch
1595 Wynkoop Street, Mail code: 8MSU
Denver, CO 80202
Ph: 303.312.7155
Fax: 303.312.6003

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From: Larson, Ben
Sent: Monday, August 31, 2015 1:31 PM
To: Sandra Dunphy
Cc: Rivers, Tahani
Subject: Re: Invalid RIN replacement instructions

Sandra,

Thank you for your email, the supplementary instructions sent on July 31st does not mandate the RIN year to be used.

Any resulting deficit carryover would carry through to each subsequent compliance year.

Thanks,
-Ben

- Show quoted text -

Thu Sep 10 10:50:53 2015

The RT System itself - Outgoing email recorded

Thu Sep 10 10:50:54 2015

The RT System itself - Outgoing email recorded
